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# The Camera's Eye: Effects of Video-recording Perspectives and Double Blind Procedures on Perceptions of Eyewitnesses and Lineup Administrators

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GRADUATE PROGRAM IN FORENSIC PSYCHOLOGY  
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a candidate for degree of Master of Arts in FORENSIC PSYCHOLOGY, to use the following thesis topic:

THE EFFECTS OF VIDEO PERSPECTIVE ON EYEWITNESS IDENTIFICATION: THE ABILITY TO RECOGNIZE DOUBLE-BLIND PROCEDURES.

Declaration and Composition of Committee:

<u>Don Whitworth</u> Committee Member (1)	<u>[Signature]</u> Signature	<u>9/10/12</u> Date
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*The Camera's Eye: Effects of Video-recording Perspectives and Double Blind Procedures on*  
Perceptions of Eyewitnesses and Lineup Administrators

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### Abstract

Mistaken identification is the leading cause of convicting the innocent. To help reduce erroneous convictions associated with eyewitness error, video recording of the lineup procedure and identification has been recommended. There is little research however, on how video recording influences perceptions of the witness and detective. The present study was a 2 (Administration of Lineup: Single-Blind v. Double-Blind) X 4 (Perspective: Detective focus v. Eyewitness focus vs. Focus on Both v. Audio Only) between subjects design examining the differential impact of camera angle and knowledge of suspect by the detective on perceptions of the eyewitness and detective. Eyewitnesses were perceived significantly less confused when the camera was focused on the detective. Detectives were perceived significantly less favorable when the eyewitness identification procedure was given as an audio recording. Thus, camera focus during eyewitness identification procedures needs to be addressed before recommending mandatory electronic recordings.

*Keywords: Eyewitness, Camera, Detective*

*The Camera's Eye: Effects of Video-recording Perspectives and Double Blind Procedures on Perceptions of Eyewitnesses and Lineup Administrators*

With the use of DNA testing, 306 innocent people have been exonerated. Eyewitness error or misidentification was introduced as evidence at trial in 227 (75%) of these cases. (<http://www.innocenceproject.org>). Through laboratory and field studies, researchers have identified psychological factors that contribute to the problems associated with the cognitive processes that occur during encoding (e.g. stress, weapon focus, race-bias) and subsequent identification procedures (e.g. lineup instructions, lineup presentation; Kramer, Buckhout, & Eugenio, 1990; Leippe, Eisenstadt, & Rauch, 2009; Paz-Alonso & Goodman, 2008; Steblay, Dysart, & Wells, 2011). In order to reform the system, researchers identified procedural behaviors susceptible to various biases that may contribute to erroneous evidence and false identifications (Wells, 1978; Leippe, Wells, & Ostrom, 1978). According to police Captain Rodriguez, "A typical eyewitness identification procedure has a witness perform a retrospective identification of the person the investigator suspects of being the perpetrator, by observing the eyewitness' ability to differentiate the suspect from the distracters within a lineup or photo spread" (personal communication, November 15, 2011). Researchers have argued administering police lineups is similar to conducting social psychology experiments (Wells & Luus, 1990). This analogy between identification procedures and the scientific method recommends a systematic approach by investigators to confirm the suspect as the actual perpetrator. Similar to experiments, this systematic approach requires control of outside variables from impacting the validity of the identification.

**Lineup-as-experiment analogy**

According to Wells and Luus (1990) eyewitness identification procedures and social experiments share the same principles. The detective administering the procedure acts as the experimenter, the eyewitness acts as the participant, and the suspect acts as the stimulus. In addition, the lineup administrator/experimenter provide instructions to the eyewitness/participant to guide the procedure and protocol. The selection of the lineup members and their position related to the suspect are included as part of the design. A resulting hypothesis is formulated about whom the eyewitness should identify (e.g., the suspect is #5). The eyewitness' choice becomes the data defining the results, and the police, prosecution, and trier of fact then assess the validity of the identification and revise their theory accordingly. However, just as the validity of an experiment can be susceptible to threats, the outcome of an eyewitness identification procedure can also be the result of extraneous variables that may influence the eyewitness's choice and ultimate identification. Wells (1978) identified these influencing factors as estimator and system variables and stressed the need to study their effects on subsequent identifications.

### **Estimator Variables**

Estimator variables are factors that impact eyewitness accuracy not under the control of the criminal justice system (Wells, 1978). Specifically, these variables are stable characteristics possessed by the witness (e.g. stress, race) and/or perpetrator (e.g. presence of a weapon, disguise) remains through the acquired event and eyewitness identification procedure. Identification procedures are a memory test, and variables that compromise individual memory within a given situation decreases the validity of eyewitness evidence (Wells, 1978; Wells et al., 1998).

***Stress.*** The retrospective nature of an eyewitness identification procedure relies on the eyewitness' ability to reconstruct the observed crime and accurately identify the culprit. A

number of factors may influence the acquisition of the event including stress. Morgan, Hazlett, Baranoski, Doran, Southwick, and Loftus (2007) had active duty military special operations personnel experience a stressful interrogation, make an identification of the interrogator 48 hours later, and complete the Weschler Face Test. Exposure to the stressful interrogation elicited inaccurate identifications from 38% of the participants. In addition, higher scores on the facial recognition task led to more accurate identifications. Using this ecologically valid paradigm, Morgan et al. (2007) concluded that identification accuracy is impacted by stress experienced at the time of the event and decreases the ability to recognize previously viewed faces.

***Weapon Focus.*** Eyewitness research has demonstrated strong empirical support for a “weapon-focus effect,” which suggests the presence of a weapon when witnessing a crime leads individuals to increase their focus on the weapon and not the identifying features of the culprit (Stebly, 1992). A meta-analysis of 19 studies involving weapon focus indicated the presence of a weapon during staged crimes decreased eyewitness identification accuracy, compared to weapon absent crimes. In addition, more accurate descriptions of the perpetrator were made within weapon absent crimes. This decrease in accuracy for identifications and descriptions occur because the weapon distracts the eyewitness’s attention away from more salient details questioning the validity of this evidence at trial (Stebly, 1992).

***Race-Bias.*** A meta-analysis of 39 research articles on eyewitness identification demonstrated an own-race bias in memory for faces. Overall, a higher proportion of hits and a lower proportion of false alarms when the perpetrator is of the same race as the witness compared to perpetrators of a different race. In addition, own-race invariant cues were discriminated for more accurately compared to other-race invariant cues. Therefore, witnesses are better equipped to encode the physical features of perpetrators from the same race (Meissner

& Brigham, 2001). The delicate nature of eyewitness memory exemplifies how easily the process of encoding the details of the perpetrator can be contaminated (Wells & Loftus, 2013).

Based on laboratory and field studies, researchers argue that although estimator variables (e.g., perceived stress, weapon focus, and race-bias) are not under the control of the investigators, they do influence eyewitness identification accuracy and need to be considered when evaluating an eyewitness's testimony (Wells, 1978; Leippe et al., 1978; Morgan et al., 2007). In contrast, system variables are under the control of people in the criminal justice system (e.g. law enforcement, prosecutors) and can be modified to decrease the probability of false identifications (Wells, 1978).

### **System Variables**

Wells (1978) argued that *system variables* threaten the validity of the identification resulting from a lack of control during the procedure, protocol, or design. Although system variables often operate outside the awareness of law enforcement, they influence the outcomes associated with lineup choices and eyewitness confidence levels (Wells, 1978; Wells & Bradfield, 1998). Lineup presentation, confidence inflation, and investigator influence have been recognized as prominent influences that may occur during eyewitness identification procedures. These factors are critical when examining eyewitness procedures since they increase the probability of false identifications (Haw & Fisher, 2004; Innocence Project, n.g.; Steblay, Dysart, & Wells, 2011; Wells & Luus, 1990).

**Presentation bias.** Lineup presentation (e.g., sequential or simultaneous) has been found to influence eyewitness choice rates and therefore plays a significant role in whether the perpetrator is correctly identified or whether an innocent person is falsely identified (Steblay et al., 2011). In sequential presentation, the eyewitness views each member of the lineup



individually. In simultaneous lineups, the eyewitness views all of the lineup members at the same time (Wells, Small, Penrod, Malpass, Fulero, & Brimacombe, 1998). Although the findings show mixed results, there is a substantial body of evidence showing a sequential superiority effect in which individual presentation reduces the number of false identifications (Stebly et al., 2011; Wells, Steblay, & Dysart, 2011). A meta-analysis of 72 studies incorporating sequential versus simultaneous lineup manipulation found that sequential lineups resulted in both fewer identifications of a suspect and false identifications when the culprit was not present in the lineup. However, during culprit present simultaneous lineups, eyewitnesses were more accurate in discerning the actual perpetrator compared to sequential line-ups (Stebly et al., 2011).

In addition to laboratory studies, a recent field study by Wells, Steblay, and Dysart (2011) compared simultaneous and sequential photo lineup procedures within three police departments (Tuscan, San Diego, and Austin). This field study measured correct identifications, and recorded filler identifications as incorrect decisions. Results showed no differences in the percentage of suspect identification between simultaneous (25.5%) and sequential (27.3 %). However, incorrect identifications were higher in simultaneous (18.1%) compared to sequential (12.2%) lineups. The results from this field study are consistent with laboratory research (Innocence Project, n.g.; Wells et al., 2011). Although results across numerous studies suggest increased eyewitness accuracy in culprit present simultaneous lineups, the probative value of utilizing sequential lineups outweighs any prejudicial effects (Innocence Project, n.g.; Steblay et al., 2011; Wells, 1993; Wells et al., 2011).

***Confidence Inflation.*** Although many system variables are embedded within the lineup procedure, issues such as eyewitness confidence inflation occur following the initial identification (Paiva, Berman, Cutler, and Platania, 2010). Wells and Bradfield (1998) found

providing confirming feedback (e.g., “Good, you identified the suspect) to eyewitnesses following their identification inflated their confidence about the identification as well as participants overall perception of the previously encoded event. In addition to inflating confidence, participant’s receiving confirming feedback also reported better witnessing conditions, a stronger memory during the presentation of the lineup, and sharper general memory abilities. These results suggest eyewitness memory for a crime and subsequent identification is easily influenced and potentially dangerous for innocent suspects especially in cases with weak scientific evidence connecting the suspect to the crime (Douglass & Steblay, 2006).

In the past, the U.S. Supreme Court has perceived eyewitness confidence as a diagnostic of identification accuracy (*Neil v. Biggers*, 1972). Unfortunately, overly confident eyewitness testimony leads to perceptions of increased accuracy by jurors and judges (Luus & Wells, 1978; Wells & Bradfield, 1999). Confirming feedback leads to eyewitness confidence inflation regardless of accuracy, leading jurors to mistakenly believe the witness is highly accurate in his/her identification leading to more guilty verdicts (Brewer & Burke, 2002).

***Investigator Bias.*** Rosenthal, Fode, Friedman, and Vikan (1960) first showed the effects of investigator bias on decision-making. Participants rated an individual’s degree of success solely on a picture, and their ratings were similar to the expectations of biased experimenters. Greater administrator bias was positively correlated to an administrator’s ability to achieve the expected results (Rosenthal et al., 1960). Similar to social experiments, eyewitnesses are influenced by administrator knowledge of the suspect during an identification procedure (Wells & Luus, 1990). Douglass, Smith, and Fraser-Thill, (2005) found that warnings or cues informing lineup administrators of the expected outcome increased the likelihood of administrator influence on the eyewitness’s identification. The researchers also found that participant administrators

presenting photo lineups to a confederate witness demonstrating low or high confidence during the identification process allowed future eyewitnesses to make identifications similar to the preceding confederate. Thus, administrators' experience with witnesses influenced the identification of subsequent witnesses. Douglass et al. (2005) attributed the results to administrator's perception of the eyewitness identification procedure's difficulty, and the expectation that eyewitnesses required additional assistance after experiencing a low confident eyewitness. Therefore, administrator knowledge and experience relative to the identification of the suspect can influence a witness's memory. However, the presentation of evidence depicting administrator knowledge of the suspect during an eyewitness identification procedure to jurors has yet to be investigated by researchers (Douglass et al., 2005).

In additions to experimenter expectancy effects, demand characteristics have been found to influence witness decisions (Adair & Epstein, 1968; Phillips, McAuliff, Kovera, & Cutler, 1999; Wells et al., 1998). Administrator expectations can be communicated to a witness through a variety of sources including both verbal and nonverbal cues. Traditional laboratory research has found that participants' behavior is easily influenced by the expectations of the procedure in the presence of a biased administrator (Adair & Epstein, 1968; Rosenthal et al., 1960). Haw and Fisher (2004) investigated participant witness contact (high or low) with a lineup administrator with knowledge of the suspect's identity. Lineup administrators in the high contact condition presented the lineup to the witness 1–2 feet away and directly in front of or beside them. In the low contact conditions, lineup administrators were seated approximately 3–5 feet to the side and slightly behind the witness, out of direct view. Results showed that witnesses in the high contact (73%) condition made the decision to identify a suspect more frequently compared to eyewitnesses with low contact (59%). Additionally, eyewitnesses made identifications consistent

with the beliefs of the administrator. Administrator knowledge of the suspect's identity had the greatest influence when combined with increased administrator-eyewitness contact.

These studies suggest that administrators who have prior knowledge of the suspect may provide verbal and nonverbal cues that help inform the witness of their expectations and the suspect's identity (Wells et al., 1998). This may be particularly problematic for witnesses demonstrating difficulty identifying the suspect and therefore rely on the administrator to provide assistance in their identification (Garrioch & Brimacombe, 2001). Garrioch and Brimacombe (2001) found that administrators believed that eyewitnesses with longer response times required additional help during the identification procedure. As a result, administrators provided witness appearing uncertain about their identification with more verbal (e.g., stressing words such as confident following the identification) and non-verbal cues (e.g. eye contact). Eyewitness identification procedures may also be influenced by subtle cues originating from the administrator (e.g. nodding and pointing), and can increase the probability of a misidentification (Phillips et al., 1999; Wells & Luus, 1990). Consequently, researchers recommend double-blind administration during eyewitness identification procedures as the best practice to protect against investigator bias and their influence (Douglas et al., 2005; Phillips et al., 1999).

### **Double-Blind Administration**

During eyewitness identification procedures, demand characteristics and experimenter expectancy effects have the potential to influence the witness' identification to match the expectation of the administrator (Phillips et al., 1999). Double-blind administration is the best practice currently recommended by researchers to reduce investigator bias during identification procedures (Douglass et al., 2005; Innocence Project, n.d.; Phillips et al., 1999). Greathouse and Kovera (2009) found double-blind procedures offer greater investigative information regarding

the eyewitness's identification and the true guilt of a suspect. In contrast, administrators who knew the suspects identity, (single-blind condition) had a greater number of influential behaviors identified during outside observations of the identification procedure, including: more likely to instruct witnesses to carefully examine the lineup; ask for an additional look at the lineup after witnesses failed to identify a suspect; remove lineup pictures more slowly when witnesses rejected the suspect; exerted more pressure to make identifications; and occasionally told the witness they were aware of the suspect's identity in the lineup. These cues can provide important details to the witness including the administrators expected result and the identification they are expected to provide (Greathouse & Kovera, 2005; Rosenthal et al., 1960). Furthermore, when witnesses were exposed to a single blind procedure, that included biased instructions, results showed that witnesses had the highest rate of making a identification (Greathouse & Kovera, 2009).

Wells et al. (1998) argued that blind administrations are the only safeguard capable of protecting against investigator bias. Additionally, double-blind procedures have been found to provide protection against additional biases, such as instruction bias and confidence bias (Garrioch & Brimacombe, 2001; Malpass and Devine, 1981). Similar to instruction bias, confirming feedback to witnesses following their identification can falsely inflate witness confidence. Dysart, Lawson, and Rainey (2011) found witnesses instructed the lineup administrator had no knowledge of the suspect's identity, but received confirming feedback had no impact on their confidence. However, confirming feedback inflated witness confidence when paired with instructions recognizing the lineup administrator was aware of the suspect's identity.

The benefits of double blind eyewitness identification procedures extend beyond investigator bias, and potentially eliminate the individual or interacting affects of other biases

(Dysart et al., 2011; Greathouse & Kovera, 2005; Perlini & Silvaggio, 2007; Phillips et al., 1999).

Safeguards, such as double-blind administration, are necessary to ensure misidentifications are limited. However, the ability of outside observers (e.g. jurors, judges, and attorneys) to recognize biased lineup administrators in lieu of misidentifications is important towards future perceptions of guilt.

### **Safeguard Awareness**

In the past, the U. S. Supreme Court has recommended five criteria when evaluating eyewitness identification accuracy. They include eyewitness certainty, view, attention, description, and time (*Neil v. Biggers*, 1972). Although criteria components such as certainty have been identified as a poor indication of eyewitness accuracy the use of the criteria in a summative fashion has been recommended (Bradfield & Wells, 2000; Wells & Bradfield, 1998). Bradfield and Wells (2000) suggested the five components of the *Biggers* criteria should be utilized together to formulate an overall perception of the eyewitness' identification, and that no one criteria (e.g. quality of view versus the degree of attention attributed) would properly represent the identification. Archival research indicates prosecutors utilize the *Biggers* criteria to establish the strength of the identification before deciding to pursue felony charges (Bradfield & Wells, 2000). However, empirical evidence demonstrates prosecutors accept more cases with relatively weak confirmation from an evidentiary standpoint when the eyewitness' identification appeared to be the strongest verification (Flowe, Mehta, & Ebbeson, 2011).

Eyewitness misidentification and testimony play a pivotal role in the convictions of innocent suspects, regardless of evidence strength (Flowe et al., 2011; Innocence project, n.d.; Wells et al., 1979). During a criminal trial, the responsibility to illustrate the biased nature of the identification falls on the defense (Wells, 1979). Regrettably, the triers of facts have no reason to

doubt an eyewitness's testimony and weigh his/her identification heavily into their decision (Flowe et al., 2011). The defense's inability to invalidate eyewitness identification makes empirical evidence suggesting jurors are incapable of discerning between false and accurate identifications an unfortunate reality for innocent suspects (Wells, Lindsey, & Ferguson, 1979). Therefore, safeguards developed to increase awareness and educate judges, attorneys, and potential jurors about eyewitness memory are necessary. Current research addressing safeguards indicates that judges, attorneys, and jurors are sensitive to some lineup biases but not others (Berman & Cutler, 1996; Devenport, Stinson, Cutler, & Kravitz, 2002; Stinson, Devenport, Cutler, & Kravitz, 1996; Stinson, Devenport, Cutler, & Kravitz, 1997).

Attorney presence at the lineup is one safeguard protecting innocent suspects against suggestive eyewitness identification procedures in criminal trials (Stinson et al., 1996). Stinson et al. (1996) showed attorneys videotapes of an identification procedure that contained a biased or unbiased lineup (e.g. foil, instruction, presentation bias). Results showed that defense attorneys reported rarely being present during an eyewitness identification procedure (about 8% of the time) limiting the effectiveness of the attorney presence safeguard. Additionally, the attorney present at the procedure was not always the attorney representing the defense, and their overall ability to differentiate between suggestive and non-suggestive procedures was mixed. Stinson et al. (1996) found attorneys rated simultaneous lineups as less biased compared to sequential lineups, a belief that contradicts current empirical evidence. This finding was similar for trial judges who also rated sequential lineups as less fair and more suggestive (Stinson et al., 1997). These results suggest that attorneys and judges are able to identify some biases in lineups but are not sensitive to others.

Without the ability to distinguish between biased and unbiased lineup procedures by attorney presence, protecting an innocent suspect is fought during trial, and left for a jury to determine. Proper lawyering is pivotal to demonstrate poor eyewitness evidence (Innocence Project, n.d). For example, to protect innocent suspects from guilt by way of eyewitness misidentification courts rely on cross-examination heavily. Berman and Cutler (1996) demonstrated on-the-stand eyewitness testimony inconsistent with pretrial statements during cross-examination led to fewer convictions compared to consistent eyewitness testimony. Jurors viewing inconsistent eyewitness testimony are found to perceive the eyewitness as less credible and the suspect as less likely to be the culprit (Berman, Narby, & Cutler, 1995; Berman & Cutler, 1996). Therefore, the attorney's ability to demonstrate inconsistency in an eyewitness may be the last protecting strategy left for innocent suspects facing juries unable to discern between accurate and inaccurate eyewitnesses (Berman & Cutler, 1996; Wells, Lindsey, & Ferguson, 1979).

In addition to attorney and judges knowledge, researchers have examined juror abilities to recognize lineup biases. Devenport et al. (2002) revealed that jurors, similar to attorneys and judges, easily recognize foil bias. However, when expert testimony was introduced at trial, jurors were more sensitive to instruction bias. In addition, jurors, similar to attorneys and judges, were unaware of past research revealing sequential lineups as more effective at preventing false identifications compared to simultaneous lineups (Stinson et al., 1996; Stinson et al., 1997).

These findings demonstrated that jurors, attorneys, and judges are not sensitive to some of the factors and biases that may occur during eyewitness identification procedures (Devenport et al. 2002, Stinson et al. 1996, & Stinson et al. 1997). Unfortunately, these studies did not specifically target investigator bias. Intuitively, the ability of jurors, attorneys, and judges to recognize single-blind administrations of photo lineups as biased will be similar to their ability to



recognize other biases (e.g. presentation and instruction biases) during an eyewitness identification procedure (Devenport et al., 2002; Stinson et al., 1996; Stinson et al., 1997). However, two State Supreme Court decisions, *State v. Henderson* (2009) and *State v. Lawson* (2012), have acknowledged the 30 years of scientific research evaluating eyewitness evidence and lineup procedures. The Oregon Supreme Court recently switched the burden of proof from the defense to the prosecution when employing eyewitness evidence if the lineups suggestibility is questionable (*State v. Lawson*, 2012). In *State v. Henderson* (2009) the court recognized that jurors are not intuitively aware of the scientific research regarding eyewitness identification evidence. The court recommended the need for juror instructions or expert testimony about how to evaluate eyewitness evidence.

The recent recognition of empirical evidence suggests the science behind eyewitness identification is becoming noticeable and too overwhelming to ignore. Empirical research needs to remain investigating relevant variables, recommendations, and safeguards involving eyewitness identifications and continue the current push for improvement recognized by the court when evaluating eyewitness evidence. Therefore, the present study examined participant perceptions of double v. single-blind administration when viewing video evidence of an identification procedure. The innocence project recommends videotaping lineup procedures to make an official record of the procedure (<http://www.innocenceproject.org>). As these records are shown as evidence to jurors in court, it is important to assess jurors' potential sensitivity to these recommended safeguards including double blind administration.

### **Video recordings**

Thirty years of research has found that eyewitness identifications are susceptible to misidentification. Safeguards are available and recommended but not always utilized, and expert

testimony is not enough to convince jurors an error occurred during the identification (Wells et al., 1998). As a result, video recordings are gaining popularity as a necessary instrument implemented during identification procedures to preserve the evidence and to provide judges, attorneys and jurors the opportunity to view this visual evidence. Additionally, this visual lineup evidence allows police officers, attorneys, judges, and triers of fact to assess the validity of the identification in question (Wells & Luus, 1978). Wells et al. (1998) proposed the notion that videotaping identification procedures offers a valuable electronic record of the instructions, photo lineup, verbal or nonverbal suggestions made by the investigator, and the witness' reaction to the lineup. In addition, video records of lineup procedures may protect against the suggestive influence of detectives and provide evidence to be criticized by the defense or to strengthen the validity of an identification procedure (Innocence Project, n.d.). Although, the criminal justice system has employed video recording evidence in other facets of investigations (e.g. interrogations), the research examining the effects of video recording lineups on participants' perceptions is limited. Wells et al. (1998), acknowledged video scope and focus as limitations with the potential to influence the efficacy of electronically recording eyewitnesses. As eyewitness misidentifications continue to be the leading cause of erroneous convictions, the need for additional safeguards grounded in science emerges (Innocence project, n.d.). Empirical evidence demonstrating the protective qualities and unbiased methods for recording eyewitness identification may help combat the problems associated with eyewitness errors and jurors inability to distinguish between an accurate or inaccurate witness during trial (Wells et al., 1979)

Reardon and Fisher (2009) showed jurors videotapes of eyewitnesses (e.g. no officer was shown in the video) providing a description of the perpetrator and the lineup identification. Participants exposed to these eyewitness videos were better able to differentiate between the

accurate or inaccurate eyewitness and were more sensitive to correct and incorrect identifications. The results are promising and support those advocating for mandated video recordings, but the present study utilized a single camera perspective (Eyewitness focus). Research on multiple camera perspectives during interrogations shows that perceptions of the process, the detective, and the suspect vary with the camera angle (Lassiter & Irvine, 1986; Lassiter, Slaw, Briggs, & Scanlan, 1992; Lassiter, Geers, Handley, Weiland, & Munhall, 2002). An important question then arises whether this camera angle effect is isolated to interrogation procedures or other legal processes such as eyewitness identifications and lineups.

### **Illusory causation**

Reardon and Fisher (2009) did not test the potential biasing effects that occur from watching a video focused directly on a single individual. McArthur (1980) suggested perceivers have a tendency to attribute social causality to noticeable persons when not warranted, referred to as the illusory causation. The illusory causation effect occurs during the recall and registration of information directly perceived about a salient person. Taylor and Fiske (1975) demonstrated the illusory causation through two experiments where a single individual is attended to during a social interaction that led perceivers to judge the individual focused on as the causal agent of the interaction. In Experiment I, Taylor and Fiske (1975) found that the position of an individual influences others perception of causality. Participants rated individuals positioned in way to be more focused on, as initiating the conversation, choosing the topic, and influence the behaviors of the others in the social interaction. In Experiment II, researchers had participants observe a similar social interaction as in the first study but were told to pay attention to a specific person. They found that the position had less of an impact compared to the person the participants

attended to during the conversation. Individuals who are attended to the most in a social interaction are more likely to be perceived as the causal agent.

Lassiter et al. (2002) applied the support in the illusory causation onto the legal system through four studies using interrogation paradigms. Overall, these studies demonstrated that meaningful actions were ascribed to a specific individual during the video recording depending on the camera's perspective. Individuals focused solely on during the video were attributed as being the causal agent of the conversation compared to the individual ignored by the camera. Furthermore, Lassiter et al. (2002) revealed participants viewing a video of a detective and suspect were likely to attribute the suspect as the causal agent when the camera focused solely on the suspect compared to solely on the detective. The results provide support for the notion that point of view affects the registration, or extraction, of information from an observed interaction by an individual, and affects their judgments on the causal influence displayed by the attended stimuli.

### **Attributional Complexity**

Illusory causation effects differ between individuals, as the individual's method of attributing meaning actions toward a specific person can preclude illusory causation (McArthur, 1980). Fletcher, Danilovics, Fernandez, Peterson, and Reeder (1986) determined that people differ in their cognitive complexity. Cognitive complexity refers to the variation displayed between individuals' dimensions or characteristics involved during the perceptual processing of (social) stimuli. Furthermore, cognitive complexity can be further simplified to specific schematic processes, such as attributional complexity (AC). AC spawned from the lack of characteristics explaining how individual attribute specific causal inferences to stimuli exemplified in other areas of cognitive complexity, and postulates that seven domains exist that

can classify individuals according to a simple-to-complex dimension: (1) Level of interest or motivation; (2) preferences for complex rather than simple explanations; (3) presence of metacognitions concerning explanations; (4) awareness of peoples behaviors as a function of interacting with others; (5) tendency to deduce abstract or causally complex internal attributions; (6) tendency to deduce abstract, contemporary, external attributions; and (7) tendency to deduce external causes operating from the past. By classifying specific individuals as attributionally complex or simple, researchers can moderate differences that can be explained by individual variations in the social cognitive situations, such as viewing the procedure during the eyewitness identification.

Illusory causation can be viewed to account for the biasing effects that occur due to the cameras perspective, but research has attempted to utilize moderators to account for individual differences when watching an interrogation video. For example, Lassiter, Munhall, Berger, Weiland, Handley, and Geers (2005) found individual level of attributional complexity resulted in different assessments of voluntariness and conviction rate. Surprisingly, individuals thought to be more capable of noticing the bias effects of camera perspective (attributionally complex individuals) were more likely to view the suspect's confession as voluntary and had higher conviction rated than those thought to be unable to notice the bias effects of camera perspective (attributionally simple individuals), but no significant differences were found between complex and simple individuals observing the same videos. Therefore, AC did not appear to significantly moderate the influence camera perspective on perceptions of interrogation. This would imply that the assessment of video evidence from different camera perspective does not differ based on level AC. However, the theoretical assumptions of the illusory causation on camera focus may be exemplified through AC during police procedures.

As a perceptual phenomenon, illusory causation impacts juror's perceptions of video evidence based on information picked up by the environment and not on individual's method of encoding, storing, or retrieving information (McArthur, 1980). Therefore, AC may explain the individual's intensity for initially picking up or registering information of the observed identification procedure, as opposed to their later recollection (Lassiter, 2002). The present study explored the mediating effects of AC in the relation between perceptions of the witness, detective, and procedural fairness.

### **Camera Focus**

As mentioned earlier, perceptions of detective-suspect interactions are influenced by camera perspective with individuals viewing the focused stimuli with more meaningful attributions (Lassiter et al., 2002). Although, camera perspective research is limited with respect to eyewitness identification procedures, a substantial body of research has examined the impact of video perspective during police interrogations. Lassiter et al. (2002) had mock-jurors observe a video recording of an interrogation process. Results showed that jurors who had a suspect only perspective during an interrogation with a false confession were more likely to convict and believed the confession was voluntary. Conversely, jurors in the detective only view were more likely to believe the confession was coerced. Although advocates of video recording police procedures argue that video recordings provide an objective record of the interrogation, Lassiter's et al. (2002) findings illustrate the biasing impact of camera focus. Camera perspective is not often considered during public policy changes developed to protect innocent suspects (Innocence Project, n.d.). In addition, deliberating jurors reported higher false confessions rates when the camera perspective was focused on the both the interrogator and suspect. The illusory causation effect is identified in these results, as more meaningful attributions made (e.g. the

suspect confession was voluntarily) when attention is focused primarily on the suspect, compared to an equal focused perspective (McArthur, 1980; Lassiter et al., 2002).

False confessions and eyewitness misidentifications are conceptually different and result from different procedural methods. First, interrogations are done with suspects who are often not willing to cooperate with law enforcement. In contrast, eyewitnesses are voluntarily assisting the police in the capacity of a victim or bystander. Second, the interrogation process is qualitatively different (e.g., length, training, location) from lineup procedures. Due to this dissimilarity, results from the interrogation paradigms cannot be generalized to eyewitness decision-making.

However, the cognitive frameworks for individual attributions and their meaning for individuals observing a video documenting a legal procedure are similar (McArthur, 1980). Park and Pyo (2011) showed that participant's judgments of a suspect's voluntary confession, guiltiness, and the detectives coerciveness were based on demand characteristics associated with differing camera perspectives. Judgments of the voluntariness of confession were higher when the camera was focused primarily on the suspect compared to the camera focused on the detective. However, prior instructions asking participants to specifically identify the voluntariness of the confession led to no effect of camera focus on voluntariness judgments. Therefore, the instructions given before the viewing the video cancelled the cognitive framework established by camera perspectives on individual attributions of meaning (McArthur, 1980; Park & Pyo, 2011).

Antagonists of camera perspective research, suggest detective- and equal- focused videos do not portray the witness and the procedure appropriately. Synder, Lassiter, Lindberg, and Pineger (2009) tested these concerns by developing a split-screen video (half the video focused solely on the suspect, and half the video focused solely on the interrogator). Reported split-screen results yielded similar results to that of the unbiased equal-focused videos. However, a

measure of accuracy (differentiating between true and false confessions) revealed the split-screen video rendered inaccurate results (lower ratings of suspect truthfulness when the confession was true or higher ratings when the confession was false). Surprisingly, the interrogator-focused video provided the most accurate results (higher rating of suspect truthfulness when the confession was true or lower rating when the confession was false) across all video perspectives. The dual-screen approach favored by police officers was shown to limit the biasing effects of camera focus but offer no remedy or solution for accuracy problems during an interrogation (Synder et al., 2009). The results of the Synder et al. (2009) study may suggest the attention attributed to the suspect is far greater than the detective with a dual screen approach, and affects individual's attribution of meaningful behaviors placed onto the suspect (McArthur, 1980).

An electronic record of an identification procedure appears to provide jurors, judges, and attorneys with an objective understanding of the lineup administrator's conduct (Innocence project, n.d.; Kassin, 1998). Camera focus has been demonstrated to influence individual judgments of police interrogation outcomes, and suggests the biasing effects of camera focus can be hypothesized to extend onto other police procedures, such as eyewitness identification procedures. However, the perceptual question asked of individuals observing video records of an interrogation and eyewitness identification procedure are fundamental different (is the suspect guilty v. is the witness accurate); and acknowledges the inapplicability of empirical evidence from one procedure to the next. For example, asking the individual to determine the guilt of a suspect (interrogation research) examines a direct perception of the suspect; whereas asking the individual to determine the accuracy of an eyewitness examines the perceived validity of the evidence indirectly associated with the suspect. Therefore, recommending video recording eyewitness identification procedure based on interrogation research is scientifically impractical



(Innocence Project, n.d.). More importantly, police officers are afforded the right to videotape based on their opinion of what is needed and not the best-practice grounded in research. To our knowledge, only a few studies, none of which are published, have analyzed the effects video perspective on eyewitness procedures.

Paiva, Weipert, Gamache, Berman, and Cutler (2009) had mock jurors view a video of an eyewitness procedure specifically focused on the witness, detective, or both witness and detective. During the video, the detective provided a sequential lineup and read standard instructions. The eyewitness identified a suspect and provided a confidence rating for their identification. Participants revealed more favorable rating of the witness and detective during video recordings individually focused compared to both. In addition, mock jurors perceived the witness to be significantly more consistent after viewing the detective-focused video. Weipert, Paiva, Gamache, Berman, and Cutler (2010) found juror perceptions of an eyewitness or detective were more favorable after viewing a video split to display the eyewitness or detective only. However, the addition of identification feedback provided by the detective within the content of the eyewitness-focused video revealed favorable perceptions of the eyewitness significantly decreased amongst jurors. These results are consistent with past research on video perspective and interrogations favoring equal focus during the video recordings of police procedures (Lassiter et al., 2002; Lassiter et al., 2005; Pavia et al., 2009; Synder et al., 2009). The few studies investigating camera perspectives on eyewitness identification procedures exemplify the biasing effect of camera perspective may extend beyond interrogation tactics and applies to eyewitness identification procedures (Lassiter et al., 2005; Pavia et al., 2009). The current study attempts to identify perceptions affected by video perspective and evidence regarding the lineup administrator's involvement in the case.

### **The Current Study**

Empirical evidence and best practice recommendations suggest police departments need to employ double-blind administrations for all eyewitness procedure (Douglass et al., 2005; Phillip et al., 1999). Unfortunately, without an electronic record of the procedure, no guarantees exist ensuring the detective was blind to the suspect's identity. Mandatory video recording of all witness identification procedures is currently gaining favor as a possible safeguard against wrongful convictions, but lacks empirical validation (Innocence Project, n.d; Wells et al., 1998). Furthermore, observing video through different perspective has been found to result in different perception of meaning (Lassiter et al., 2002; Pavia et al., 2009).

The present study is a 2 (Administration: Single Blind vs. Double Blind) X 4 (Camera Focus: Eyewitness vs. Detective vs. Both vs. Audio) between subjects design. The study's aim was to answer if video perspective influences observer perceptions of eyewitness identification procedures, and their ability to distinguish between blind and non-blind administrations. Four hypotheses were proposed:

Hypothesis One: When the video focus is either directly on the eyewitness or the detective the procedure will be perceived significantly more favorable compared to both (shared) focus and the audio-only condition.

Hypothesis Two: Individual perceptions of the eyewitness identification procedure will be rated as significantly more fair and less suggestive within the double-blind administration condition compared to the single-blind administration.

Hypothesis Three: Eyewitness-focused video elicited through double-blind procedure will lead to significantly more favorable perceptions compared to both (shared) focus condition and audio-only condition; Alternatively, judgments of the detective will be the least favorable in

the detective focused video of the eyewitness identification procedure administered in a single-blind procedure.

Hypothesis Four: A theoretical path model test of mediation will examine the meditational effect of attribution complexity in relation between perceptions of detective, as well as perceptions of eyewitness, and fairness of the procedure.

## **Method**

### **Participants**

The sample consisted of 245 (96 males, 149 females) undergraduate students from a northeastern University who participated in the study in exchange for course credit. Participants were Caucasian (87%), Hispanic (6%), Black (1.2%), Asian (1.2%), and Other (3.7%). Participants ranged in age from 18 to 30 years ( $M = 19.72$ ,  $SD = 1.32$ ). Participants were randomly assigned to one of eight conditions.

### **Materials**

*Video stimulus:* Eight electronic recordings of an eyewitness identification procedure were created from a master tape. The videos were edited into the following six camera perspective conditions: (a) displaying the back of the detective and the front of the eyewitness, and the administration of a single-blind procedure; (b) displaying the back of the eyewitness and front of the detective, and the administration of a single-blind procedure; (c) displaying side profiles of the eyewitness and detective together, and the administration of a single-blind procedure; (d) displaying the back of the detective and the front of the eyewitness, and the administration of a double-blind procedure; (e) displaying the back of the eyewitness and front of the detective, and the administration of a double-blind procedure; (f) displaying side profiles of the eyewitness and detective together, and the administration of a double-blind procedure. All

videos were recorded in a private room of a California police department. The duration of the videos was one minute and 30 seconds.

*Audio Stimulus:* In the control conditions, participants' will listened to one of two audio recordings of eyewitness identification procedure: (a) the administration of a single-blind procedure and (b) the administration of a double-blind procedure. The recordings are an estimated one minute and 30 seconds in length.

*Dependent Measures:* Participants completed 26-item questionnaire. Measures contained demographics, questions assessing perceptions of the identification process (e.g. fairness, suggestibility, etc.) and questions examining the perceptions of the eyewitness and detective administering the lineup. Linear items were assessed for internal consistency. See Appendix A for a copy of all measures.

*Attributional Complexity Scale:* The attributional complexity scale serves as a moderator in this study, and measures individual differences in preference for complex or simple explanations when understanding human behavior. The scale consists of 28 items rated on a scale of -3 to +3 (-3 = *strongly disagree*, -2 = *moderately disagree*, -1 = *slightly disagree*, 0 = *neither agree or disagree*, +1 = *slightly agree*, +2 = *moderately agree*, and +3 = *strongly agree*) for each item. The measure displays good internal consistency ( $\alpha = .85$ ) and test-retest reliability ( $r = .80$ ) measured over a period of 18 days. See Appendix B for the complete Attribution Complexity Scale.

## **Design and Procedure**

After securing consent, participants were instructed to watch an eyewitness identification procedure between the witness and detective (see Appendix C for complete informed consent). Following the eyewitness identification procedure, all participants completed the questionnaire

and the attributional complexity scale. Upon completion, participants were thanked for their participation and debriefed (see Appendix D for complete debriefing sheet). The entire procedure lasted approximately 15 minutes.

## Results

### Manipulation Check

The majority of participants correctly recognized watching or listening to a single (75%) or double (63%) identification procedure, from an eyewitness (100%), detective (94%), both (85%), or audio (93%) perspective.

### Eyewitness

A two-way between-groups analysis of variance (ANOVA) was conducted to explore the effects of camera focus and blind administration on how confused the eyewitness appeared to participants. The interaction between camera focus and blind administration was not significant:  $F(3, 237) = .471, p = .702$ , partial eta squared = .01. There was a significant main effect for camera focus:  $F(3, 237) = 6.00, p = .001$ , partial eta squared = .07. Post-hoc comparisons using LSD indicated groups with camera focus on the detective ( $M = 1.42, SD = 1.40$ ), compared to focused on eyewitness groups ( $M = 2.28, SD = 1.53$ ), focused on both groups ( $M = 2.39, SD = 1.58$ ), and audio groups ( $M = 2.37, SD = 1.53$ ), perceived the eyewitness as less confused, respectively.

A 4 X 5 Cross tabulation analysis revealed significant differences in the proportion of confidence allotted by the eyewitness as a function of camera focus:  $\chi^2(12, n = 243) = 21.11, p = .049, phi = .30$ . A follow-up post hoc analysis revealed the proportion of participants' categorizing eyewitness confidence as 100% was greatest within the detective focused groups (41.7%). Whereas, the proportion of participants' categorizing eyewitness confidence as 60%

was greatest within the eyewitness focus groups (35.8%), and the proportion of participants' categorizing eyewitness confidence as 20% was greatest within both focus groups (53.8%).

### **Detective**

Six items measuring detective likeability, fairness, suggestiveness, coerciveness, and influence were found to have acceptable internal consistency – Cronbach's  $\alpha = .78$ . As a result, we summed the responses to form a measure of *detective favorability* ( $M = 25.12$ ,  $SD = 5.70$ ). A two-way between groups ANOVA revealed no significant interaction between camera focus and blind administration on perception of investigator favorability:  $F(3, 236) = .612$ ,  $p = .608$ , partial eta squared = .01. A significant main effect of camera focus was found:  $F(3, 236) = 3.19$ ,  $p = .024$ , partial eta squared = .04. Post hoc analysis using LSD indicated perceptions of detective favorability were significantly less in audio groups ( $M = 23.04$ ,  $SD = 5.29$ ), compared to eyewitness focused groups ( $M = 25.73$ ,  $SD = 5.58$ ), detective focused groups ( $M = 25.75$ ,  $SD = 6.10$ ), and focused on both groups ( $M = 25.64$ ,  $SD = 5.42$ ).

A second two-way between groups ANOVA assessed specific characteristics of detective favorability, and revealed no significant interaction between camera focus and blind administration on perception of detective influence:  $F(3, 236) = .643$ ,  $p = .588$ , partial eta squared = .01. A significant main effect of camera focus was found:  $F(3, 236) = 3.00$ ,  $p = .032$ , partial eta squared = .04. Post hoc analysis using LSD indicated perceptions of detective influence was significantly more in audio groups ( $M = 2.07$ ,  $SD = 1.47$ ), compared to eyewitness focused groups ( $M = 1.45$ ,  $SD = 1.38$ ), detective focused groups ( $M = 1.51$ ,  $SD = 1.63$ ), and focused on both groups ( $M = 1.31$ ,  $SD = 1.32$ ).

A third ANOVA revealed no significant interaction between camera focus and administration on perception of the likelihood the detective knew the identity of the suspect:  $F$

(3, 236) = 4.710,  $p = .384$ , partial eta squared = .02. A significant main effect of administration was found:  $F(1, 236) = 20.586$ ,  $p = .000$ , partial eta squared = .08. Perceptions of the detective's likelihood for knowing the identity of the suspect was greater in single blind ( $M = 3.99$ ,  $SD = 1.42$ ), compared to double blind ( $M = 3.03$ ,  $SD = 1.80$ ) groups.

### **Procedure and Attributional Complexity**

The effects of camera focus and blind administration on perceptions of the eyewitness identification procedure were not statistically significant. In addition, participant attributional complexity had no significant effects on perceptions of the eyewitness identification procedure, eyewitness, and detective.

## **Discussion**

The present study investigated three novel issues relevant to the use of videotaped identification procedures: Does camera perspective influence perceptions of the eyewitness, detective, and procedure; does administrator knowledge of the suspect affect perceptions of the eyewitness, detective, and procedure; and does perspective and administration type interact and influence one other. The results were unexpected, but provided insight onto a new best-practice recommendation currently supported by the Innocence Project (n.d.).

### **Camera Perspective Bias**

Similar to research on interrogations, the videos perspective impacted perceptual judgments of the eyewitness and detective differently (Lassiter et al., 2002; Park & Pyo, 2011). However, the finding in the interrogation literature showing the congruency between suspect focused videos and higher ratings of suspect voluntariness of providing a confessions and detective focused videos and greater perceptions of detective coerciveness, did not transfer over to eyewitness identification procedures (Lassiter & Irvine, 1986; Lassiter et al., 1992). Instead,

perceptions of the eyewitness were more biased when the camera was focused on the detective. Specifically, a greater proportion of participants categorized eyewitness confidence as 100% when the camera's focus was on the detective (41.7%). In addition, the eyewitness appeared less confused in the detective focused video recording condition. During a trial, jurors are more likely to believe accurate than inaccurate eyewitness (Wells et al., 1978). Thus, the null finding of camera focus on perceptions of eyewitness accuracy suggest detective focused videos lack visual evidence, and forces the observer to rely on verbal cues by eyewitness to formulate their perceptions. Therefore, eyewitness identification accuracy (accurate vs. inaccurate) cannot be easily determined when the camera is focused on the detective leading jurors to employ other strategies such as eyewitness's confusion and confidence to formulate an opinion on the validity of the identification. This may be problematic since research has demonstrated that juror's estimates of witness confidence was strongly related in their decision to believe or disbelieve the witness, but was not a valid warning of the actual accuracy Wells et al. (1978).

The goals of an identification procedure and interrogation are fundamentally different (e.g. validate eyewitness evidence vs. extract a confession; Kassin 2005; Wells, 1993). Administrators of a photo lineup attempt to walk a witness through the procedure, and build evidence against the suspect. The present study demonstrated the importance of lineup administrators' video recording, as opposed to audio recording their identification procedures. Audio recordings of the eyewitness identification procedure resulted in less favorable perceptions of the detective, compared to eyewitness focused, detective focused, and focus on both videos. Thus, listeners relied solely on the detective's voice to determine his influence on the identification during the procedure. Theoretically, the illusory causation suggests perceivers are focusing primarily on the detective during the identification procedure (McArthur, 1980).



Perceivers have a tendency to attribute social causality to noticeable persons when not warranted, and during an eyewitness identification procedure the detective controls the conversation. The audio recording of this study portrayed a detective instructing the witness on the purpose of the identification procedure for one minute and 30 seconds, during which the witness speaks for less than 10 seconds. The illusory causation suggests the detective is perceived as more influential over the final identification. Additionally, individual differences involving the use of dimensions or characteristics involved during the perceptual processing of (social) stimuli did not affect camera perspective biases (Fletcher et al., 1986).

Similar to interrogation research, attributional complexity did not mediate perceptions of the eyewitness, detective, and identification procedure (Lassiter et al., 2005). Perceptual biases occurring from different camera perspectives may not be the result of an individual's cognitive complexity and more a product of the visual or auditory information available during an electronic recording of the identification procedure. Thus, the suggestions made by the Innocence Project (n.d.) regarding mandatory video records, which proposed video records objectively exemplify all the behavioral transactions that occurred during the procedure, is rational. A video of the detective performing an identification procedure and employing all best-practice recommendations strengthens the argument during a trial that is attempting to show the eyewitness' identification as valid evidence, and reduces the biased perception of detective influence that occurs during an audio recording.

During an interrogation, audio are used and accepted when the possibility of a video record does not exist. Audio records have been incorporated in courts far longer than video records, and used to make a record for the courts of the confession. This is contrary to the goal of video's, which is used to videotape the entire interrogation. Thus, audio records were used to

authenticate the confession; whereas video records are used to evaluate fairness during the entire procedure (Lassiter et al., 1986; Lassiter et al., 1992). The present study revealed a similar trend. The reliance on auditory stimuli when formulating judgments relevant to the identification led to bias perceptions. Overall, visual portrayals allow the observer to have some exposure to the detective and eyewitness (i.e. seeing the back of a head), and provide less bias information of eyewitness confusion and detective favorability. Similar to interrogation research, camera perspective focused equally on the witness and detective may provide the best perceptions of the procedure and limit the biases that occur from camera perspective and audio recording (Lassiter, Munhall, Geers, Weiland, & Handley, 2001).

### **Investigator Bias**

In general, participant's recognized and trusted the statements made by the detective regarding his knowledge of the suspect's identity. However, the null hypothesis of administration and favorable perceptions of the detective, eyewitness, and procedure suggest, observers of an identification procedure do not value the administrator's knowledge of the suspect's identity when assessing the validity of eyewitness evidence. There was no effect for single or double blind administration on perceptions of the witness and/or procedure. These findings are inconsistent with Douglass et al (2005) who found lineup administrators with knowledge of the suspect's identity offer more cues during an identification procedure, specifically when the eyewitness' confidence is low. They appear to be an extension of Philips et al. (1999) who found that administrators and witnesses were perceived as partners working towards the common goal of identifying the suspect. The perceived partnership between the witness and detective may reveal a trust in authority by the participants. This was demonstrated in the present study. Participants based their judgments on the likelihood the detective knew the identity of the

suspects solely on the blind administration statement made at the beginning of the electronic recording.

Previous research has shown procedural fairness and cooperation is moderated by individual trust in authority (De Cremer & Tyler, 2007; Johnson, Hogan, Zonderman, Callens, & Rogolsky, 1981). Webb and Marshall (1995) found that compared to blacks and Hispanics, whites viewed police more positively. Furthermore, whites were more likely to agree with the personal and professional characteristics of police officers, compared to blacks and Hispanics. The present study's sample consisted primarily of Caucasian (87%), the race with the most favorable perceptions of police officers (Cochran & Warren, 2012; Webb & Marshall, 1995). Intuitively, this majority of Caucasian participants may have greater trust in authority, and therefore not question statements made by the detective, compared to a more racially diverse sample.

Additionally, the results found by Devenport et al. (2002), which demonstrated that jurors are not aware of all the best-practice recommendations for eyewitness identification procedures may explain why administrator knowledge had no impact on the perceptions on of the procedure. Devenport et al (2002) did not specifically investigate lineup administrator's knowledge of the suspect's identity; however, the researchers revealed jurors recognized safeguards that appear intuitively beneficial (e.g. foil bias). Thus, administrator knowledge of the suspect may not appear to be threatening towards the result of the procedure. A possible solution for updating laypersons current knowledge on single and double blind procedure is to provide expert witness testimony. Expert testimony is meant to be further the understanding of the trier of fact. This may be particularly important when the detective's bias is not obvious, as is the case of the present study. Cutler, Penrod, and Dexter (1989) describe an expert witness' primary

responsibility is to inform the trier of fact of the memory process and factors that can influence memory when witnessing the crime, and as a result juror sensitivity increases. Cutler et al.

(1989) defined juror sensitivity as:

“juror knowledge for the influence of witness and identification factors on identification accuracy together with the ability to integrate evidence concerning such factors so that the evidence is re-flected in judgments about the accuracy of identifications (pp. 326)”

The implications of expert testimony are beneficial toward a suspect misidentified, as jurors increase inferences made about the eyewitness credibility due to witnessing and identification conditions, decrease inferences drawn from the strength of the prosecution’s and defense’s case, and decrease the reliance on confidence (Cutler et al., 1989). Thus, expert testimony may provide individuals with a greater understanding of best-practice recommendations and the injustice that occurs by ignoring them.

### **Limitations and Future Research**

Although the video stimulus was recorded in a southern California police department in and used an actual detective with experience administering lineups, this was a mock identification procedure. The present study reduced investigator bias to a statement made by the detective regarding his current knowledge of the suspect. However, a greater number of overt behaviors occur during a single blind, compared to double blind, identification procedure, including: more likely to instruct witnesses to carefully examine the lineup; ask for an additional look at the lineup after witnesses failed to identify a suspect; remove lineup pictures more slowly when witnesses rejected the suspect; exerted more pressure to make identifications; and tell the witness they were aware of the suspect’s identity in the lineup (Greathouse & Kovera, 2009).

The detective did not display the overt behaviors exhibited by single blind and double blind administrators during an identification procedure during the present study. Consequently, the lack of influential behaviors by the detective may explain a lack of statistically significant findings for administration on favorable perceptions of the detective.

The ecological validity of the present study needs improvement. Future experiment investigating camera perspective and administration on the evaluation of eyewitness evidence may benefit employing a procedure similar to that of the Douglass et al. (2005) study. By staging a crime and randomly assigning participants to act as a witness or administer, and simultaneously videotaping the identification procedure from multiple perspectives would provide greater mundane realism.

The purpose of mandatory video recording identification procedures is to provide an objective record of all behavioral transactions that occurred (Innocence Project, n.d.). However, understanding the perceptions of laypersons does not give insight onto how video evidence of an identification procedure will be utilized during a legal trial. How videotapes with different camera perspectives interact with the presentation of best-practice recommendations, statements made by the prosecutions and defense, expert testimony, inadmissible evidence, etc. is currently unknown. Thus, a limitation of the study is the results generalizability. In the past, jurors have shown little understanding for the available knowledge that currently represents eyewitness identifications (Stinson et al., 1996; Stinson et al., 1997; Wells & Luus, 1990).

Current research suggests that eyewitness misidentifications that move onto to trial are more protected against when the jury is able to experience the eyewitness identification procedure. Duckworth, Kreiner, Stark-Wroblewski, and Marsh (2011) found jurors participating in a mock eyewitness identification procedure were more likely to rate the defense's case as

more credible, lower ratings of credibility for the prosecution's case and eyewitness accuracy, and less likely to render a guilty verdict compared to mock jurors who did not participate in an eyewitness identification procedure. Being able to experience and observe the procedure gives their juror first-hand experience with system variables that can influence the identification.

Intuitively, it is impractical to suggest that before any trial utilizing eyewitness testimony that jury members participate in a mock identification procedure. To a lesser extent, a video recording provides a juror with the experience and insight onto the procedure and any outside influence that may be associated with the identification, while holding the administering officer responsible for any biases during the procedure that could have been prevented (Wells, et al., 1998). Future research examining the effect of video record and camera perspective on the evaluation of eyewitness evidence during a mock trial is an important step towards validating mandatory video recording of an identification procedure. Furthermore, future mock-trial research should investigate the possible interaction between video recording and expert testimony. Expert testimony's ability to provide jurors with a greater understanding of the biasing effects could be amplified in the presence of video record (Cutler et al., 1989). Thus, the future of eyewitness identification video-records will eventually be in a trial setting.

A final limitation to the present study is the sample. As mentioned earlier, the sample consisted mostly of Caucasians, which have been shown to have different perceptions of police compared to minorities (Cochran & Warren, 2012). In addition, the sample consisted of only undergraduate students at a northeastern university, and does not accurately represent the general population.

### **Conclusion**

The present study demonstrates the camera perspective bias present in the interrogation research is applicable to eyewitness identification procedures (Lassiter et al., 2001). However, the camera perspective that led to bias perceptions during interrogations did not transfer onto eyewitness identification procedure. Rather, the reliance on auditory stimuli biased the perceptions of the witness and detective. In addition, the lack of significant findings regarding administration suggest a simple statement about the administrator's knowledge of the suspect's identity does no impact the perceptions of the eyewitness, detective, or procedure. The study provides promising information towards advocating mandatory video recording of all identification procedures. However, future research should strive for a more ecologically valid study that demonstrates camera perspective and administration on perceptions of an identification procedure.

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## Appendix A

**Please be sure to answer every question on this questionnaire by filling in the circle that corresponds to the appropriate response.**

Please take a few minutes to fill out this survey, you will be asked to fill out demographic information and questions regarding the videotape that was just viewed. Thank you for your time.

### Questions about the videotape:

**1. How credible or believable did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Credible						Very Credible

**2. How honest did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Honest						Very Honest

**3. How consistent (reliable) did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Consistent						Very Consistent

**4. How confused did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Confused						Very Confused

**5. How likeable did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all						Very Likeable

Likeable

**6. How trustworthy did you find the witness to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Trustworthy						Very Trustworthy

**7. The identification procedures employed by the detective were fair?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Strongly Disagree						Strongly agree

**8. The identification procedures employed by the detective were suggestive?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Strongly Disagree						Strongly agree

**9. How would you evaluate the eyewitness identification in this case: (choose one)**

<input type="radio"/>	<input type="radio"/>
Accurate	Inaccurate

**10. How likeable did you find the detective to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not Very Likeable						Very Likeable

**11. How suggestive did you find the detective to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Suggestive						Very Suggestive



**12. How coercive (i.e. forcefully persuasive) did you find the detective to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Coercive						Very Coercive

**13. How confident did the witness appear to be during the identification procedure?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20%	40%	60%	80%	100%

**14. How fair did you find the detective to be?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all Fair						Very Fair

**15. How influential was the detective on the witness's decision (identification)?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all influential						Very influential

**16. What is the likelihood the detective knew the identity of the suspect?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0	1	2	3	4	5	6
Not at all likely						Very likely

**17. Which of the following examples best describes the electronic recording you observed?**

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I observed a video of an eyewitness identification procedure, focused on the face of the witness and the back of the detective's head.	I observed a video of an eyewitness identification procedure, focused on the face of the detective and the back of the witness's head.	I observed a video of an eyewitness identification procedure, focused on both the eyewitness and detective.	I listened to an audio recording of an eyewitness identification procedure, and the conversation that transpired between witness and detective.	I read a written transcript an eyewitness identification procedure.	Other _____

**18. What was the detective's connection to the eyewitness identification procedure?**

- |   |   |  |                       |
|---|---|--|-----------------------|
| <input type="radio"/>   | <input type="radio"/>   | <input type="radio"/>  | <input type="radio"/> |
| The detective was the lead investigator in the case and collected the evidence leading to the arrest. | The detective had no other connection to the case other than to administer the line-up. | The detective's connection to the eyewitness identification procedure was not mentioned. | Other _____           |

**Demographic Information****19. Your gender:**

- |                       |                       |
|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> |
| Male                  | Female                |

**20. What is your age: \_\_\_\_\_****21. Which of the following characterizes your background:**

- |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| White, Non-Hispanic   | Hispanic              | Black, Non-Hispanic   | Asian                 | Other                 |

**22. Your Marital Status:**

- |                       |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Single                | Married               | Re-married            | Separated             | Divorced and Single   | Widowed               |

**23. Your current political preference (not necessarily your registration):**

- |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Democrat              | Republican            | Independent           | Other                 |

**24. Aside from your political affiliation, how would you evaluate your political views:**

- |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Liberal               | Slightly Liberal      | Slightly Conservative | Conservative          |

**25. What is your occupation:**

- |                            |                       |                        |                        |                       |                       |
|----------------------------|-----------------------|------------------------|------------------------|-----------------------|-----------------------|
| <input type="radio"/>      | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/>  | <input type="radio"/> | <input type="radio"/> |
| Not working/<br>unemployed | Student               | Employed part-<br>time | Employed full-<br>time | Retired               | Other                 |

**26. Are you either a close friend of, or related to, any law enforcement officer (including retired police officers):**

- |                       |                       |
|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> |
| No                    | Yes                   |

**27. What is the highest level of education you have attained:**

- |                       |                       |                        |                                |                       |                                 |
|-----------------------|-----------------------|------------------------|--------------------------------|-----------------------|---------------------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/>          | <input type="radio"/> | <input type="radio"/>           |
| Grade school          | Some high<br>school   | High school<br>diploma | Some college<br>junior college | College degree        | Post-graduate<br>college degree |

## Appendix B

*Attributional Complexity Scale*

This questionnaire has been designed to investigate the different ways that people think about themselves and other people. There are no right or wrong answers. Please answer each question as honestly and accurately as you can, but don't spend too much time thinking about each answer.

-3	-2	-1	0	1	2	3
Strongly			Neither			Strongly
Disagree			Agree or			Agree
			Disagree			

1. I don't usually bother to analyze and explain people's behavior. \_\_\_\_\_
2. I Once I have figured out a single cause for a person's behavior I don't usually go any further.  
\_\_\_\_\_
3. I believe it is important to analyze and understand our own thinking processes. \_\_\_\_\_
4. I think a lot about the influence that I have on people's behavior. \_\_\_\_\_
5. I have found that relationships between a person's attitudes, beliefs, and character traits are usually simple and straightforward. \_\_\_\_\_
6. If I see people behaving in a really strange or unusual manner, I usually put it down to the fact that they are strange or unusual people and don't bother to explain it any further. \_\_\_\_\_
7. I have thought a lot about the family background and personal history of people who are close to me, in order to understand why they are the sort of people they are. \_\_\_\_\_
8. I don't enjoy getting into discussions where the causes for people's behavior are being talked about. \_\_\_\_\_

9. I have found that the causes for people's behavior are usually complex rather than simple.

\_\_\_\_\_

10. I am very interested in understanding how my own thinking works when I make judgments about people or attach causes to their behavior. \_\_\_\_\_

11. I think very little about the different ways that people influence each other. \_\_\_\_\_

12. To understand a person's personality/behavior I have found it is important to know how that person's attitudes, beliefs, and character traits fit together. \_\_\_\_\_

13. When I try to explain other people's behavior I concentrate on the other person and don't worry too much about all the existing external factors that might be affecting them. \_\_\_\_\_

14. I have often found that the basic cause for a person's behavior is located far back in time.

\_\_\_\_\_

15. I really enjoy analyzing the reasons or causes for people's behavior. \_\_\_\_\_

16. I usually find that complicated explanations for people's behavior are confusing rather than helpful. \_\_\_\_\_

17. I give little thought to how my thinking works in the process of understanding or explaining people's behavior. \_\_\_\_\_

18. I think very little about the influence that other people have on my behavior. \_\_\_\_\_

19. I have thought a lot about the way that different parts of my personality influence other parts (e.g., beliefs affecting attitudes or attitudes affecting character traits). \_\_\_\_\_

20. I think a lot about the influence that society has on other people. \_\_\_\_\_

21. When I analyze a person's behavior I often find the causes form a chain that goes back in time, sometimes for years. \_\_\_\_\_

22. I am not really curious about human behavior. \_\_\_\_\_

23. I prefer simple rather than complex explanations for people's behavior. \_\_\_\_\_
24. When the reasons I give for my own behavior are different from someone else's, this often makes me think about the thinking processes that lead to my explanations. \_\_\_\_\_
25. I believe that to understand a person you need to understand the people whom that person has close contact with. \_\_\_\_\_
26. I tend to take people's behavior at face value and not worry about the inner causes for their behavior (e.g., attitudes, beliefs, etc.). \_\_\_\_\_
27. I think a lot about the influence that society has on my behavior and personality. \_\_\_\_\_
28. I have thought very little about my own family background and personal history in order to understand why I am the sort of person I am. \_\_\_\_\_

## Appendix C

**Informed Consent**

**Title:** Eyewitness Identification Procedure: The Effect of Blind Administration and Video Perspective

**Principle Investigator:** Geno Salomone, B.A.

**Co-Investigator:** Dr. Garrett Berman, Ph.D

- 1. Purpose of the Study:** To explore the effects of legal procedures on individual perception.
- 2. Procedures Experienced by Participants:** When participating in this study, you will watch a 2-minute video of an eyewitness identification procedure, and complete a 26-item questionnaire pertaining to the content of the video.
- 3. Confidentiality and Anonymity:** Only the investigators listed above will have access to your responses, which will ensure your confidentiality. Additionally, your name will only be written on your consent form which will be collected and maintained separately from your questionnaire. Thus, your responses will remain anonymous.
- 4. Your Rights:** You have the right to decline participation without any penalties or prejudice as participation is strictly voluntary. Additionally, at any point during the study if you do not feel comfortable or no longer want to participate, you have the right to withdraw from the study without prejudice or penalty. You may also ask questions at any time during the course of the study and you may contact the primary investigator (whose name and email address appear at the bottom of this form).
- 5. Risks and Benefits of being a Participant:** If at any time during your participation you do not wish to continue, you may withdraw from this study without facing penalties. A potential benefit is that you might have a better understanding of how psychological research is conducted.
- 6. Compensation:** Participation in this study is awarded with course credit in an introductory psychology course.

*More information:* After participation, please feel free to contact Geno Salomone by email at [gsalomone095@g.rwu.edu](mailto:gsalomone095@g.rwu.edu) or Dr. Garrett Berman by email at [gberman@rwu.edu](mailto:gberman@rwu.edu) should you have any additional questions.

This certifies that I \_\_\_\_\_ have given my full  
(Print your name)  
consent to participate in this study. I am at least 18 years of age or older. I have read this  
form and fully understand the content.

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

This certifies that I have defined and informed the participant named above of all  
elements pertaining to this research study.

\_\_\_\_\_  
Principle Investigator

\_\_\_\_\_  
Date

## Appendix D

**Perceptions of Eyewitness Identification Procedure**

Thank you for your participation in the current study. The purpose of study is to examine the perceptions of different police procedures to help reduce mistaken Identifications, the leading cause of erroneous conviction. Video evidence is recommended as a best practice guideline; however little research has identified its effect on individual perceptions. Your participation will further the current knowledge on the presentation of eyewitness identification procedure video records. If you would like to learn more about best-practice recommendations eyewitness identification procedure visit [www.innocenceproject.org](http://www.innocenceproject.org). The information you have provided for the study is confidential to the experimenter, and will be published as group data. If your experience was uncomfortable you may choose to have your data withdrawn from the study without penalty.

If you wish to learn more about the predictions and results of the study or issue a complaint, please email the principal investigator Geno Salomone at [gsalomone095@g.rwu.edu](mailto:gsalomone095@g.rwu.edu) or Dr. Garrett Berman at [gberman@rwu.edu](mailto:gberman@rwu.edu).